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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,099	08/07/2003	Robert R. Gallucci	RD27416-2	3376

23413 7590 08/11/2005

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BLOOMFIELD, CT 06002

EXAMINER
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TRAN, THAO T

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/638,099

Applicant(s)

GALLUCCI ET AL.

Examiner

Thao T. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/14/05, 2/15/05, 2/11/05, 1/28/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 3, 12-14, 20 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-11, 15-19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/14/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Reply***

1. This is in response to the Reply filed 1/28/2005. The IDS filed 3/14/2005 and the Terminal Disclaimers filed 2/15/2005, 2/11/2005, and 1/28/2005 are also acknowledged.
2. Claims 1-23 are currently pending in this application. Claims 3, 12-14, 20, and 23 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, as indicated in the Paper filed 10/22/2004.

### ***Double Patenting***

3. In view of the prior Office action of 1/11/2005, the rejection of claims 1-2, 4-11, 15-19, and 21-22, under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 4-11, 13-17 and 20-21 of copending Application No. 10/638,145; over claims 1-3, 5-9, 12-14, and 16 of copending Application No. 10/638,094; and over claims 1-3, 5-8, and 11-18 of copending Application No. 10/638,100, has been withdrawn due to the timely filed Terminal Disclaimers.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-11, 15-19, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baal et al. (US Pat. 6,355,723).

Baal teaches a reflective article and a method of making, the article comprising a substrate (amorphous thermoplastic resin article), a primer coat, and a metallic coat, and a clear coat (see col. 1, ln. 16-22). Baal further teaches the amorphous thermoplastic resin to be polyetherimides (see col. 2, ln. 32-36); the primer coat; the metallic coat to be aluminum; and the clear coat to be plasma-polymerized silicone (see col. 4, ln. 37-56).

Although Baal teaches the plasma-polymerized silicone clear coat to be on the outer surface of the metal layer, instead of between the substrate and the metal layer, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, that the order of the layers in an article would not have significant patentable weight. This is because whether the silicone-containing layer is between the substrate and the metal layer or outside the metal layer would not change the effects or properties of the article in term hazing prevention. And rearrangement of parts would not impart patentability to the article. See MPEP 2144.04VIC.

Baal further teaches the silicone to be hexamethyldisilazane, and the aluminum layer to be about 70 nm (700 Å) (see col. 7, ln. 3-7).

With respect to the heat distortion, volume resistivity, and tensile modulus, since the reference teaches the same article with the same chemical components, the article of the reference would inherently have the same properties as the presently claimed invention.

***Response to Arguments***

6. Applicant's arguments filed 1/28/2005 have been fully considered but they are not persuasive.

7. Applicant's election with traverse of claims 1-2, 4-11, 13-17 and 20-21 in the reply filed on 10/22/2004 is acknowledged. The traversal is on the ground(s) that the requirement of an election of species is not necessary because a search of the limited number of species would not impose a serious burden on the examiner. Applicants argue that with the use of electronic search engine, the search for various species would not impose a serious burden on the examiner. This is not found persuasive because as pointed out in the Restriction requirement of 10/7/2004, the various combinations of the compositions in different layers, i. e., the substrate, the reflective metal layer, and the haze-prevention layer, would make the search burdensome to the examiner.

The requirement is still deemed proper and is therefore made FINAL.

8. In response to Applicants' arguments that Van Baal teaches away from a silicone-derived clear coat interposed between the thermoplastic substrate and the reflective metal layer, Applicants are reminded that negative teaching of a feature nevertheless illustrates that the feature has been taught in the prior art.

9. With respect to the arguments supporting the properties of the layers, Applicants are reminded that as long as the reference teaches the same chemical components of the layers, the layers of the reference would inherently have the same properties.

10. With respect to the arguments that the presently claimed invention is directed to the layer order in a layered article, which is different from different order of parts in an apparatus,

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Applicants are reminded that so long as the composite multilayer would have the same functions, the order of the layers within the multilayer would not impart patentable weight.

11. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

12. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

### *Conclusion*

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

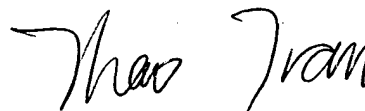
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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 571-272-1080. The examiner can normally be reached on Monday-Friday, from 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tt  
August 8, 2005



**THAO T. TRAN  
PATENT EXAMINER**